

HOUSE BILL 3572

By Rowland

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 57, relative to sales of tobacco and
alcoholic beverages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 10, Part 1, is amended by adding the following as a new section:

§ 57-10-103. The owner or manager of a store or establishment that sells beer or alcoholic beverages at retail shall not be liable for civil damages in a cause of action commenced by or on behalf of an underage person if the owner or manager's employee made the sale to such underage person.

SECTION 2. Tennessee Code Annotated, Section 39-17-1509(d), is amended by deleting the subsection in its entirety and by substituting instead the following:

(d) When assessing a civil penalty, the commissioner is authorized to assess the penalty against any person or persons determined by the commissioner to be responsible for causing the violation to occur, including, but not limited to, the owner, manager or employee of a store at which tobacco products are sold at retail, the owner, manager or employee of an establishment in which a vending machine selling tobacco products is located, and a company or any of its employees engaged in the business of sampling. Provided, however, that the commissioner shall not assess the penalty against any owner, manager or company if an employee was wholly responsible for causing the violation to occur.

SECTION 3. Tennessee Code Annotated, Section 39-17-1509(e)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3) When the store owner or manager presents to the commissioner the statements described in subdivision (e)(2), the penalty against the store owner or manager shall be eliminated.

SECTION 4. This act shall take effect July 1, 2010, the public welfare requiring it.